

### Remarks

This continuing application is filed after the decision of the Board of Appeals and Patent Interferences in parent application serial no. 09/065,713. In the Decision on Appeal, the Board construed the claims as including homopolymers of propylene containing a small amount (no more than 0.1 weight percent) of ethylene. With the claims as thus construed, the Board affirmed the rejection of the claims based upon U.S. Patent No. 5,766,532. The rejection of the claims based upon U.S. Patent No. 5,529,843 to Dries et al. was reversed.

In new claims 22-40, presented in this continuing application, each of independent claims 22 and 32 now clearly specify that the ethylene is present as a small amount in the isotactic polypropylene-ethylene co-polymer structure. Thus, the claims as presently presented do not read upon a homopolymer containing a small amount of ethylene, but are clearly directed to a co-polymer with the ethylene present as part of the co-polymer structure.

It is respectfully requested that this amendment be entered prior to examination of this application.

It is believed that no fee is due for the submission of this paper. If this is incorrect, the Commissioner is hereby authorized to charge any fee that may be required to the Locke Liddell & Sapp LLP Deposit Account No. 12-1781.

Respectfully submitted,



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